

REMARKS

Claims 1-7 and 9-15 have been amended. Claims 17-24 have been canceled. Claims 25-32 have been added. Claims 1-16 and 25-32 remain pending in this Application.

Amendment of specification

The specification has been amended to correct clerical errors. No new matter has been added. Resultantly, Applicant requests that the Examiner enter the specification changes herein described.

Rejections under 35 U.S.C. §102(e)

Claims 1-24 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,374,145, to Lignoul. Under 35 U.S.C. 102(e), a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. MPEP § 2136. Claims 17-24 have been cancelled, rendering the rejections against these claims moot. Claims 1-7 and 9-15 have been amended. For at least the reasons set forth below, Applicant respectfully submits that Lignoul does not anticipate claims 1-16.

Amended claim 1 recites a method comprising:

determining by a first execution thread whether a user is proximately located with respect to a device;

setting an indicator, by the first execution thread, if it is determined that the user is proximately located with respect to the device;

determining by a second execution thread, different from the first

execution thread, whether there is activity on the device;

re-setting the indicator, by the second execution thread, if it is determined there is activity on the device within a first time period; and

simulating by the second execution thread, an activity on the device to prevent a first resource of the device from transitioning into a first resource saving state, if it is determined that there is no activity on the device within the first time period, and the indicator remains set. (emphasis added)

In accordance with the plain meaning of the language of the claim, amended claim 1 now clearly requires Applicant's novel at least two execution thread implementation, where one execution thread determines whether the user is proximately located, and the other determines whether there is activity of the device, and simulate activity for a resource of the device (to conditionally prevent the resource from going into a resource saving state). Amended claim 1 further requires the two execution threads cooperate via an indicator, the state of which is taken into consideration by the other thread, when deciding whether to simulate activity on the device.

Lignoul discloses a system designed to detect physical presence of a user via a proximity sensor and to transmit a signal to prevent a computer program from being activated (Col. 2, lines 57-60). In Lignoul, the operation disclosed starts with checking user-input activity (Fig. 4). Then, a first decision is made where a user's presence is detected with the proximity sensor (Col. 14, lines 44-48). If the user is determined to be physically present, then user input activity status is allowed to be determined using a

countdown timer (Fig. 4). If the user is determined not to be present, the operation reverts back to detecting the user's presence (Col. 14, lines 44-48).

However, Lignoul did not disclose any implementation detail. In particular, Lignoul did not disclose the required at least two execution thread architecture required by claim 1, nor the required use of an indicator to facilitate cooperation between the execution threads, nor the consideration of the state of this indicator to determine whether to simulate activity on the device.

Accordingly, Lignoul fails to teach each and every element as recited in claim 1, and it is patentable over Lignoul.

Claim 9 contains in substance the same limitations of claim 1. Thus, for at least the reasons stated above with respect to claim 1, claim 9 is not anticipated, and patentable over Lignoul.

Claims 2-8 and 10-16 are dependent on independent claims 1 or 9, incorporating their limitations. Thus, for at least the same reasons, claims 2-8 and 10-16 are patentable over Lignoul.

Claim objection

Claims 22 and 24 stand objected to for having informalities. The objections have been rendered moot by their cancellations.

New claims


Claims 25-32 have been added. New claims 25-32 are each dependent upon one of independent claims 1 and 9, and therefore, for at least above-stated reasons, are patentable over Lignoul.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-16 and 25-32 are in condition for allowance. Entry of the foregoing amendment and remarks is requested and a Notice of Allowance is earnestly solicited. The Commissioner is hereby authorized to charge any shortages or credit any overpayment to Deposit Account No. 500393. Please contact the undersigned regarding any questions or concerns associated with the present matter.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

Dated: 8/19/04

By: 
Aloysius AuYeung, Reg# 35,432
Attorney for Applicants

Pacwest Center, Stes. 1600-1900
1211 SW Fifth Avenue
Portland, Oregon 97204-3795
Tel: 503.222.9981